IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE TWENTY SEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY**

**and**
**THE HON'BLE MR JUSTICE K.C. BHANU**

**WRIT APPEAL NO : 1119 of 2001**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 10-08-2000 in WP NO : 31481 OF 1998 on the file of the High Court.)

Between:

1. The Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.

2. The Under Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.

**..... APPELLANTs**

AND

1. Kasu Mallaiah, S/o Veeraiah, aged 67 years, R/o Karkapalli, Warangal District.

2. Pucha Kayala Narayana S/o Kotaiah, aged 68 years, R/o Karkapalli, Warangal District.

3. C.Yashoda W/o Ch.Yadava Reddy, aged 64 years, R/o Karkapalli, Warangal District.

4. Potla Bhadramma w/o late Ramaiah, aged 69 years, R/o Karkapalli, Warangal District.

5. Kona Kotamma, W/o late Seetharamaiah, age 71 years, R/o Govindraopet, Warangal District.

6. M.Shesharatnam, W/o Mitheneni Venkatappaiah, age 67 years, R/o

Govindraopet, Warangal.

**....RESPONDENTS**

**Counsel for the Appellant:MR.A.RAJASHEKAR REDDY (SC FOR CG)**

**Counsel for the Respondent Nos.1 to 6: MR.S.SRINIVAS REDDY & M.N.NARASIMHA REDDY, ADVOCATES**

**The Court made the following :**

**ORDER : (per BRSR,J)**

The Union of India preferred this writ appeal against the order dated 10-08-2000 made in W.P.No.31481 of 1998 by a learned Single Judge of this Court directing the Union of India to release the pension by passing appropriate orders within four weeks from the date of receipt of the order giving effect to the communication given to the respondents-writ petitioners in their proceedings F.No.135/AP/2227/91-AP, Government of India/ Bharat Sarkar, Ministry of Home Affairs/Gaih Mantralaya, Lok Nayak Bhawan, which were issued in the year 1991-92.

The dispute relates to payment of Swatantra Sainik Samman Pension. The writ petitioners claim to be the freedom fighters. There is no dispute whatsoever that the writ petitioners made their applications long time ago and the matter was processed and even the screening committee is stated to have made its recommendations. The proceedings referred to hereinabove, in our considered opinion, cannot be equated to that of the decision by the Union of India to release Swatantra Sainik Samman Pension.

In view of the revised policy of the Union of India, the recommendations of the screening committee itself would not be enough to take any final decision in the matter by the Union of India. It is always open to the Union of India to direct the State Government to make an appropriate enquiry and submit its report for consideration of cases for grant of pension. In the counter affidavit filed in the writ petition, it is stated that the matter was under enquiry as the State Government was directed to make an enquiry into the claim of the writ petitioners. Even before the report was submitted, the writ petitioners have chosen to file the writ petition without impleading

the Government of Andhra Pradesh.

Having regard to the facts and circumstances of the case, we consider it appropriate to modify the order passed by the learned Single Judge directing the Government of Andhra Pradesh represented by its Secretary, Revenue, (Freedom Fighters), to make an appropriate enquiry pursuant to the request already made by the Central Government and to submit its report to the Central Government within a period of three months from the date of receipt of copy of the order. The Central Government upon receipt of the report from the State Government shall dispose of the claim of the writ petitioners within a period of ten weeks from the date of receipt of such report.

The order under appeal shall accordingly stand modified. The writ appeal is accordingly disposed of. No costs.

**(B.SUDERSHAN REDDY,J)**

Dated:27-08-2004

**(K.C.BHANU,J)**

gj/ks

Note:

1. The Registry is directed to mark a copy of this order to the Secretary, Revenue, (Freedom Fighters),Government of Andhra Pradesh.
2. Despatch the copy of this order within one week.

To

1. The Deputy Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.
2. The Under Secretary to Government of India, Ministry of Home Affairs, Freedom Fighters Division, Loknayak Bhavan, New Delhi.
3. Two C.D.copies.
4. The Secretary Government of Andhra Pradesh, Revenue (Freedom Fighters), Secretariat, Hyderabad.